

S-137-1103S

**REMARKS**

Claims 84-97 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which applicant regards as the invention.

Claim 84 no longer suggests that a protein hybridizes to DNA, and therefore is no longer indefinite as stated by the Examiner on page 3 of the December 03, 2002 Office Action.

Claim 84 stands rejected as indefinite, wherein the Examiner states that there is no antecedent basis for "said isolated DNA..." Applicant respectfully disagrees, as claim 84 begins with "An isolated DNA comprising..." Thus, there is an antecedent basis for "said isolated DNA..." and the meaning thereof is clear. Applicant respectfully requests that the Examiner withdraw his rejection.

The Examiner also states that the phrase "protein kinase having the same activity..." is indefinite, as it is not clear what the activity is in relationship to the claimed sequences. Applicant has amended claim 84 by reciting that the amino acid sequence of the invention "enhances fertilization-independent embryogenesis," thereby clarifying the biological activity as required by the Examiner.

Claim 87 stands rejected as indefinite as set forth on 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs on page 4 of the December 3, 2003 Office Action. Applicant has deleted reference to "known stability mRNA motifs" from claim 87 and has also deleted functional language. Applicant respectfully submits that amended claim 87 apprises one skilled in the art the subject matter of the claim and is therefor not indefinite.

The Examiner rejects claims 84-97 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification so as to reasonably convey that Applicant had possession of the invention at the time the application was filed. The Examiner states that it is "not clear that SEQ ID NO. 20 is a full-length gene, and that SEQ ID NO. 21 is full length protein." In response, applicant has amended claim 84, the sole pending independent claim, by deleting SEQ ID NOS. 20 and 21 therefrom. Therefore, Applicant respectfully submits that Applicant has overcome Examiner's reasons for rejection stated on pp. 6 and 7 of the December 3<sup>rd</sup> Office Action.

On page 7 of the same Action, the Examiner rejects claim 84, stating that "same activity" does not recite a distinguishing function. Applicant respectfully submits that amended claim 84 now limits the claimed SEQ ID NO. to a sequence that "enhances fertilization-independent

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embryogenesis," thereby overcoming the Examiner's rejection. See pages 20-23, 31-34 and FIGS. 2A and 5 for support.

The Examiner further states that claim 90 and 91 recited promoters not described in the specification. Applicant amends claim 90 to recite those promoters specifically described in the specification, thereby overcoming the Examiner's rejection. Claim 91 is cancelled.

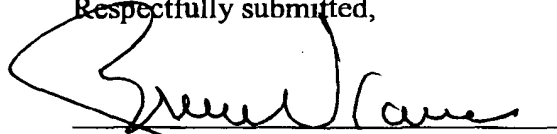
The Examiner further rejects claims 84-97 under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way to enable one skilled in the art to make and/or use the invention. The Examiner states that it is unclear whether SEQ ID NO. 20 is a full-length gene, and whether SEQ ID NO. 21 is a full-length protein that has the same activity as a full-length protein. In response, Applicant has amended claim 84 by deleting SEQ ID NOS. 20 and 21 therefrom. Applicant respectfully submits that amended claim 84 is enabled under 35 U.S.C. 112, first paragraph.

As stated above, claim 90 is amended to include promoters specifically described in the specification. Claim 91 is cancelled. Applicant therefore respectfully submits that amended claim 90 is in allowable condition.

In view of the above remarks and the amended claims, Applicant respectfully submits that the claims are in allowable condition. If any additional information is needed, the Examiner is invited to call the undersigned attorney at (919) 541-8614

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Respectfully submitted,



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